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8
9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**

11 AVI YARON, Individually and On Behalf
12 of All Others Similarly Situated,

13 Plaintiff,

14 v.

15 INTERSECT ENT, INC., LISA D.
16 EARNHARDT, JERYL L. HILLEMANN,
and ROBERT H. BINNEY, JR.,

17 Defendants.
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Case No.: 4:19-cv-02647-JSW

JOINT STIPULATION AND ~~[PROPOSED]~~
ORDER FOR EXTENSION OF TIME TO
FILE MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT

The Hon. Jeffrey S. White

1 Lead Plaintiff Avi Yaron (“Plaintiff”) and Defendants Intersect ENT, Inc. (“Intersect”),
2 Lisa D. Earnhardt, Jeryl L. Hilleman, and Robert H. Binney, Jr. (collectively “Defendants,” and
3 together with Plaintiff, the “Parties”) hereby stipulate as follows:

4 WHEREAS, on March 4, 2021, the Parties reached an agreement in principle to settle this
5 litigation in its entirety;

6 WHEREAS, on March 5, 2021, the Court entered an Order granting the Parties’ Joint
7 Stipulation to Vacate Dates and Set Date to File Motion for Preliminary Approval of Settlement,
8 which provided that “Plaintiff will submit his motion for preliminary approval of the proposed
9 class action settlement within 60 days of the Court’s approval of this Stipulation, or will provide
10 the Court with an update at that time” (ECF No. 58);

11 WHEREAS, the Parties have been diligently and in good faith negotiating the terms of the
12 proposed settlement, but have not yet reached agreement on the final terms; and

13 WHEREAS, the proposed May 5, 2021 deadline for filing the anticipated motion for
14 preliminary approval has not yet passed, and the Parties have met and conferred and reached an
15 agreement, subject to the Court’s approval, to extend the deadline for the filing of Plaintiff’s
16 anticipated motion for preliminary approval of the proposed class action settlement until May 14,
17 2021, nine (9) calendar days from the initial deadline.

18 THEREFORE, IT IS STIPULATED AND AGREED between the undersigned Parties, by
19 and through their respective counsel and subject to the Court’s approval, as follows:

20 1. Plaintiff will submit his motion for preliminary approval of the proposed class
21 action settlement by May 14, 2021, or will provide the Court with an update at that time.

22 Dated: May 3, 2021

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23
24 By: s/ Robert V. Prongay

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Attorneys for Lead Plaintiff Avi Yaron

Dated: May 3, 2021

COOLEY LLP

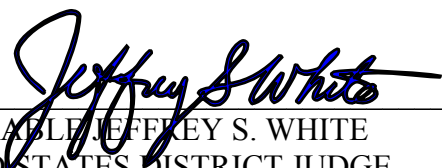
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PURSUANT TO STIPULATION IT IS SO ORDERED.

DATED: May 3, 2021


HONORABLE JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE